

Thursday, January 26, 1995

HIGHLIGHTS

House passed balanced budget constitutional amendment resolution.

Daily Digest Senate

Chamber Action

Routine Proceedings, pages S1557-S1638

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 278-290, S.J. Res. 25, and S. Res. 74.

Pages S1617-18

Measures Passed:

Commemorating the 50th Anniversary of Liberation of Auschwitz: Senate agreed to S. Res. 74, commemorating the fiftieth anniversary of the liberation of the Auschwitz death camp in Poland.

Pages S1601-04, S1631

Unfunded Mandates: Senate continued consideration of S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, taking action on amendments proposed thereto, as follows:

Pages S1557-58, S1564-71, S1573-S1601, S1604-14, S1636-38

Adopted:

(1) Levin Modified Amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Pages S1557, S1571

(2) Wellstone/Boxer Modified Amendment No. 204, to define the term "direct savings" as it relates to Federal mandates.

Pages S1558, S1582-83

(3) By a unanimous vote of 100 yeas (Vote No. 49), Byrd Modified Amendment No. 213, to provide a reporting and review procedure for agencies that

receive insufficient funding to carry out a Federal mandate.

Pages S1558, S1568-71, S1576-82, S1583

(4) Harkin Amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Pages S1557, S1583-99

(5) By 83 yeas to 16 nays (Vote No. 51), Kempthorne Amendment No. 196 (to Amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement. (By 44 yeas to 56 nays (Vote No. 50), Senate earlier failed to table the amendment.)

Pages S1557, S1583-91

(6) Kempthorne Amendment No. 209, to provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to States, local, and tribal governments.

Pages S1558, S1605-06

(7) Glenn Amendment No. 225 (to Amendment No. 209), to clarify how the provisions of the bill will treat reauthorizations of existing laws that contain mandates.

Pages S1605-06

(8) By a unanimous vote of 99 yeas (Vote No. 53), Kassebaum Amendment No. 226 (to Amendment No. 203), to ensure that the President fully enforces laws against child pornography, child abuse, and child labor.

Pages S1606-09, S1611

(9) Boxer Amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws.

Pages S1557, S1606-12

(10) By 93 yeas to 6 nays (Vote No. 56), Graham Modified Amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Pages S1557, S1609-10, S1611, S1612-13

(11) Gramm Modified Amendment No. 215, to require that each conference report that includes any Federal mandate be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate. **Pages S1558, S1614**

Rejected:

(1) Boxer Amendment No. 201, to provide for unreimbursed costs to States due to the imposition of enforceable duties on the States regarding illegal immigrants or the Federal Government's failure to fully enforce immigration laws. (By 58 yeas to 43 nays (Vote No. 47), Senate tabled the amendment.) **Pages S1557, S1564-67**

(2) Boxer Amendment No. 223 (to Amendment No. 201), (The amendment fell when Amendment No. 201, listed above, was tabled.) **Pages S1558, S1564-67**

(3) Lautenberg Amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency. (By 63 yeas to 36 nays (Vote No. 48), Senate tabled the amendment.) **Pages S1557, S1567-68**

(4) Harkin Amendment No. 224 (to Amendment No. 190), to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution. (By 62 yeas to 38 nays (Vote No. 52), Senate tabled the amendment.) **Pages S1591-98**

(5) Boxer Amendment No. 227 (to Amendment No. 203), to ensure that nothing in this Act threatens child pornography, child abuse, and child labor laws. (By 53 yeas to 46 nays (Vote No. 54), Senate tabled the amendment.) **Pages S1607-09, S1612**

(6) Bingaman Modified Amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies. (By 62 yeas to 37 nays (Vote No. 55), Senate tabled the amendment.) **Pages S1557, S1573-74, S1601, S1612**

Pending:

Levin Amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie. **Page S1557**

Levin Amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002. **Page S1557**

Levin Amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective. **Page S1557**

Graham Amendment No. 189, to change the effective date. **Page S1557**

Glenn Amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in

complying with certain requirements under Federal statutes and regulations. **Page S1557**

Glenn Amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate. **Page S1557**

Byrd Amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate. **Page S1557**

Grassley Amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates. **Page S1558**

Kempthorne Amendment No. 210, to make technical corrections. **Page S1558**

Kempthorne (for Dole) Amendment No. 211, to make technical corrections. **Page S1558**

Glenn Amendment No. 212, to clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates. **Page S1558**

Gramm Amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates. **Page S1558**

Byrd Modified Amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation. **Page S1558**

Levin Amendment No. 218, in the nature of a substitute. **Page S1558**

Levin Amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than ten years beyond the effective date of the mandate. **Page S1558**

Brown Amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act. **Page S1558**

Brown/Hatch Amendment No. 221, to limit the restriction on judicial review. **Page S1558**

Roth Amendment No. 222, to establish the effective date of January 1, 1996, of Title I, and make it apply to measures reported, amendments and motions offered, and conference reports. **Page S1558**

Withdrawn:

Wellstone Amendment No. 205, to provide that no point of order shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the

Budget, is insufficient to allow the Director to reasonably carry out his responsibilities under this Act.

Pages S1558, S1599

Murray Amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Pages S1557, S1599–S1601

A unanimous-consent time agreement was reached providing for further consideration of the bill and certain of the amendments pending thereto.

Pages S1575, S1637–38

A unanimous-consent agreement was reached providing for the cloture vote scheduled to occur on Friday, January 27, to occur at 3 p.m.

Page S1638

Senate will continue consideration of the bill and amendments pending thereto, on Friday, January 27.

Appointments:

Commission on Security and Cooperation in Europe: The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed Senator D'Amato to serve as Co-Chairman of the Commission on Security and Cooperation in Europe.

Page S1614

Communications:

Page S1617

Statements on Introduced Bills:

Pages S1618–30

Additional Cosponsors:

Pages S1630–31

Amendments Submitted:

Pages S1631–32

Notices of Hearings:

Page S1632

Authority for Committees:

Pages S1632–33

Additional Statements:

Page S1633–36

Record Votes: Ten record votes were taken today. (Total—56).

Pages S1567, S1568, S1583, S1591, S1598, S1611, S1612–13

Recess: Senate convened at 9 a.m., and recessed at 11:47 p.m., until 9:30 a.m., on Friday, January 27, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S1638.)

Committee Meetings

(Committees not listed did not meet)

COMMODITY FUTURES TRADING COMMISSION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on S. 178, authorizing funds for fiscal years 1995–2000 for the Commodity Futures Trading Commission, after receiving testimony from Mary L. Schapiro, Chairman, Commodity Futures Trading Commission; John F. Sandner and William Brodsky, both of the Chicago Mercantile Exchange, Patrick H. Arbor, Chicago Board of

Trade, and Robert K. Wilmoth, National Futures Association, all of Chicago, Illinois; and Daniel Rappaport, New York Mercantile Exchange, Bennett J. Corn, Coffee, Sugar, and Cocoa Exchange, Inc., Peter F. Karpen, Futures Industry Association, and John R. Frawley, Jr., Managed Futures Association, all of New York, New York.

HUD MANAGEMENT

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine the management and budgetary situation at the Department of Housing and Urban Development, after receiving testimony from Nancy M. Gordon, Assistant Director for Health and Human Resources, Congressional Budget Office; and Michael A. Stegman, Assistant Secretary of Housing and Urban Development for Policy Development and Research.

NORTH KOREA NUCLEAR AGREEMENT

Committee on Armed Services: Committee concluded hearings to examine the security implications of the United States Nuclear Non-Proliferation Agreement with North Korea, after receiving testimony from William J. Perry, Secretary of Defense; Ashton B. Carter, Under Secretary of Defense for International Security Policy; Gen. Gary E. Luck, USA, Commander-in-Chief, United National Command, Republic of Korea and the United States Forces, Korea; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project on Nuclear Arms Control; and Leonard S. Spector, Carnegie Endowment for International Peace, and Richard V. Allen, Richard V. Allen Company, both of Washington, D.C.

ECONOMIC OUTLOOK

Committee on the Budget: Committee continued hearings to examine the state of the United States economy and the budget outlook for fiscal years 1996–2000, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Allan Meltzer, Carnegie Mellon University, Pittsburgh, Pennsylvania; Mickey D. Levy, NationsBanc Capital Markets, Inc., New York, New York; and David Wyss, DRI/McGraw-Hill, Lexington, Massachusetts.

Committee will meet again tomorrow.

AMTRAK

Committee on Commerce, Science, and Transportation: Committee held oversight hearings on activities of the National Railroad Passenger Corporation (Amtrak), receiving testimony from Senators Jeffords and Cochran; Jolene M. Molitoris, Administrator, Federal

Railroad Administration, Department of Transportation; Kenneth M. Mead, Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office; Thomas Downs, President and Chairman, National Railroad Passenger Corporation (Amtrak); former New Jersey Governor James Florio, Trenton, on behalf of the Safe Transit and Rail Transportation (START); Mayor John Robert Smith, Meridian, Mississippi; Jack Hynes, Missouri Highway and Transportation Department, Jefferson City; and Ross Capon, National Association of Railroad Passengers, Washington, D.C.

Hearings were recessed subject to call.

FEDERAL BUDGET OUTLOOK

Committee on Finance: Committee held hearings to examine the current budget situation for the Federal Government, focusing on the impact of a constitutional balanced budget amendment on those programs which fall under the committee's jurisdiction, receiving testimony from Robert D. Reischauer, Director, Congressional Budget Office.

Hearings were recessed subject to call.

MEXICO ECONOMY

Committee on Foreign Relations: Committee concluded hearings to examine the economic situation in Mex-

ico and United States efforts to stabilize the peso, after receiving testimony from Senator Hollings; Warren M. Christopher, Secretary of State; Robert E. Rubin, Secretary of the Treasury; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Malcolm S. Forbes, Jr., Forbes Inc., and Lawrence Kudlow, National Review Magazine, both of New York, New York; and L. William Seidman, Commercial Mortgage Asset Corp., and Sidney Weintraub, Center for Strategic and International Studies, both of Washington, D.C.

CONGRESSIONAL TERM LIMITS

Committee on the Judiciary: Committee considered S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms, but did not take action thereon, and recessed subject to call.

NEA

Committee on Labor and Human Resources: Committee concluded oversight hearings on activities of the National Endowment for the Arts, after receiving testimony from Jane Alexander, Chairperson, National Endowment for the Arts.

House of Representatives

Chamber Action

Bills Introduced: Twenty-six public bills, H.R. 691–716; one private bill, H.R. 717; and three resolutions, H.J. Res. 64–65 and H. Res. 45, were introduced.

Pages H802–03

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Arney to act as Speaker pro tempore for today.

Page H693

Balanced Budget Amendment: By a recorded vote 300 ayes to 132 noes, Roll No. 51 (two-thirds of those present voting in favor), the House passed H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States.

Pages H700–81

By a recorded vote of 184 ayes to 247 noes, Roll No. 50, rejected the Conyers motion to recommit the joint resolution with instructions to report it back forthwith containing an amendment to exempt Social Security funds from total receipts and outlays that must be balanced.

Pages H770–72

Agreed to the Schaefer amendment in the nature of a substitute that provides similar balanced budget

provisions as the committee substitute described below except does not require a three-fifths vote to raise taxes (agreed to by a recorded vote of 293 ayes to 139 noes, Roll No. 49).

Pages H753–70

Earlier, agreed to the amendment in the nature of a substitute recommended by the Committee on the Judiciary (which pursuant to the rule did not prevail because the Schaefer substitute received the most affirmative votes) that would have required the adoption of a statement of receipts and outlays which are in balance; required the President to submit a balanced budget; required a three-fifths vote for deficit spending, increases in the debt limit, and increases in tax revenues; and would have provided that a majority of each House could waive the provisions in case of war or a serious military threat as declared by law (agreed to by a recorded vote of 253 ayes to 173 noes, Roll No. 41).

Pages H700–13

Rejected:

The Owens amendment in the nature of a substitute that sought to provide similar balanced budget provisions as the committee substitute except it

would have permitted Congress to waive the provisions by law any year for which the President notified Congress and Congress adopted a joint resolution affirming that the national unemployment rate was projected to exceed four percent, and would not have required a supermajority to raise taxes (rejected by a recorded vote of 64 ayes to 363 noes with 1 voting "present", Roll No. 43); **Pages H714–22**

The Wise amendment in the nature of a substitute that sought to establish a separate capital budget and require that the operating budget be balanced; exempt Social Security from budget calculations; and permit Congress to waive the balanced budget provisions in times of war, military conflict, or recession as declared by law (rejected by a recorded vote of 138 ayes to 291 noes with 1 voting "present", Roll No. 44); **Pages H722–31**

The Watt of North Carolina motion that the Committee of the Whole rise and report the resolution back to the House with the recommendation that the resolving clause be stricken (rejected by a recorded vote of 96 yeas to 331 noes with 1 voting "present", Roll No. 45); **Pages H738–39**

The Conyers amendment in the nature of a substitute that sought to require the adoption of a statement of receipts and outlays which balanced; require the President to submit a balanced budget; exempt Social Security from balanced budget calculations; and provide that the constitutional amendment would not take effect until Congress adopted a specific budget plan (rejected by a recorded vote of 112 ayes to 317 noes, Roll No. 46); **Pages H731–41**

The Watt motion that the Committee of the Whole rise and report the resolution back to the House with the recommendation that the resolving clause be stricken (rejected by a recorded vote of 79 ayes to 342 noes, Roll No. 47); and **Page H744**

The Bonior amendment in the nature of a substitute that sought to require that the budget be balanced by fiscal year 2002; exempt Social Security from balanced budget calculations; and to not require supermajority votes for tax or debt limit increases (rejected by a recorded vote of 135 ayes to 296 noes, Roll No. 48). **Pages H741–53**

Senate Messages: Messages received from the Senate today appear on page H693.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H803.

Quorum Calls—Votes: One quorum call (Roll No. 42) and ten recorded votes developed during the proceedings of the House today and appears on pages H713, H721–22, H722, H731, H738–39, H740–41, H744, H753, H769–70, H771–72, and H772.

Adjournment: Met at 9 a.m. and adjourned at 10:44 p.m.

Committee Meetings

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Finance, and Related Agencies held a hearing on Foreign Operations in an Era of Budget Reductions. Testimony was heard from the following former Representatives: Mickey Edwards of Oklahoma; and Matt McHugh of New York.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

Hearings continue tomorrow.

RE-EXAMINING OLD ASSUMPTIONS

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on Re-examining Old Assumptions. Testimony was heard from the following former Secretaries of Education: William J. Bennett and Lamar Alexander; and Mario Cuomo, former Governor, State of New York.

EVALUATING U.S. FOREIGN POLICY

Committee on International Relations: Concluded hearings on Evaluating U.S. Foreign Policy, Part III. Testimony was heard from Warren M. Christopher, Secretary of State.

REGIONAL HOTSPOTS

Committee on National Security: Met in executive session to receive a briefing on regional hotspots. The Committee was briefed by Christine Williams, Chairman, National Intelligence Council.

OVERSIGHT

Committee on Resources: Held an oversight hearing on Federal efforts to introduce Canadian Gray Wolves into Yellowstone National Park and the Central Idaho Wilderness. Testimony was heard from Senator Thomas; Bruce Babbitt, Secretary of the Interior; JoAn Wood, member, House of Representatives, State of Idaho; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands approved for full Committee action the following bills: H.R. 531, amended, to designate the Great Western Scenic Trail as a study trail under the National Trails System Act;

H.R. 536, amended, to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area; H.R. 517, Chacoan Outliers Protection Act of 1995; H.R. 529, amended, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; and H.R. 562, amended, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona.

LINE-ITEM VETO ACT

Committee on Rules: Ordered reported amended, by a record vote of 9 to 4, H.R. 2, Line-Item Veto Act.

COMMITTEE SCHEDULING

Committee on Rules: Ordered reported H. Res. 43, to amend clause 2(g)(3) of House rule XI to permit committee chairman to schedule hearings.

Subsequently, the Committee granted an open rule providing for consideration of H. Res. 43 in the House as in the Committee of the Whole.

CAPITAL GAINS TAX REFORM AND INVESTMENT IN SMALL BUSINESS

Committee on Small Business: Held a hearing on Capital Gains Tax Reform and Investment in Small Business. Testimony was heard from public witnesses.

DISPOSITION OF ICC'S RAIL MERGER AUTHORITY

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Disposition of the ICC's Rail Merger Authority. Testimony was heard from Steven C. Sunshine, Deputy Assistant Attorney General, Antitrust Division, Department of Justice; Frank Kruesi, Assistant Secretary, Policy, Department of Transportation; Gail McDonauld, Chairman, ICC; and public witnesses.

CONTRACT WITH AMERICA

Committee on Ways and Means: Continued hearings on the Contract With America, with emphasis on provisions designed to encourage savings and investment. Testimony was heard from Representative Smith of Michigan; and public witnesses.

Hearings continue January 31.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 27, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget, to hold hearings to examine Government restructuring proposals, 9:30 a.m., SD-608.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Public Witnesses, 10 a.m., 2358 Rayburn.

Subcommittee on National Security, to mark up the Defense supplemental for fiscal year 1995, 1 p.m., H-140 Capitol.

Committee on International Relations, to mark up H.R. 7, National Security Revitalization Act, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 665, Victim Restitution Act of 1995; H.R. 666, Exclusionary Rule Reform Act of 1995; H.R. 667, Violent Criminal Incarceration Act of 1995; and H.R. 668, Criminal Alien Deportation Improvements Act of 1995, time to be announced, 2141 Rayburn.

Committee on National Security, hearing on H.R. 7, National Security Revitalization Act, 10 a.m., 2118 Rayburn.

Committee on Small Business, hearing on Regulation—Paperwork Reduction Act, 10 a.m., 2359 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on the health insurance tax deduction for the self-employed, 12 p.m., 1310 Longworth.

Subcommittee on Human Resources, to continue hearings on H.R. 4, Personal Responsibility Act, 9 a.m., 1100 Longworth.

Subcommittee on Oversight, hearing on Internal Revenue Code section 1071 (the operation and administration of the provision which allows the FCC to grant tax relief with respect to the sales of radio, television, and other properties under certain circumstances), 10 a.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, to mark up H.R. 7, National Security Revitalization Act, 10 a.m., H-405 Capitol.

JOINT MEETINGS

Commission on Security and Cooperation in Europe, to hold hearings to examine the Administration's position on Russia's military intervention in Chechnya, and its implications for United States-Russian relations, 10 a.m., 2255 Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Friday, January 27

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 27

Senate Chamber

Program for Friday: Senate will resume consideration of S. 1, Unfunded Mandates, with a cloture vote to occur thereon at 3 p.m.

House Chamber

Program for Friday: Continue consideration of H.R. 5, Unfunded Mandates Reform.

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